

ORDINANCE NO. 95-24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, AS AMENDED, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS: SEC. 3.2 (DEFINITIONS); SEC. 4.14 (CODE ENFORCEMENT BOARD); SEC. 5.2 (SITE SPECIFIC (FUTURE LAND USE ATLAS) COMPREHENSIVE PLAN AMENDMENTS); SEC. 5.3 (OFFICIAL ZONING MAP AMENDMENTS); SEC. 5.4 (CONDITIONAL USES); SEC. 5.7 (VARIANCES AND APPEAL OF ADMINISTRATIVE DECISIONS); SEC. 5.8 (COMPLIANCE WITH TIME LIMITATIONS); SEC. 6.2 (DISTRICT PURPOSES); SEC. 6.4 (USE REGULATIONS AND DEFINITIONS); SEC. 6.5 (PROPERTY DEVELOPMENT REGULATIONS); SEC. 6.6 (SUPPLEMENTAL REGULATIONS); SEC. 6.8 (PLANNED DEVELOPMENT DISTRICTS); SEC. 6.9 (VOLUNTARY DENSITY BONUS PROGRAM); SEC. 7.2 (OFF STREET PARKING); SEC. 7.8 (STANDARDS); SEC. 11.4 (PROCEDURE FOR REVIEW OF ADEQUATE PUBLIC FACILITIES); SEC. 13.2 (NONCONFORMING USES); SEC. 13.4 (NONCONFORMING LOTS); SEC. 14.1 (GENERAL); SEC. 14.2 (ENFORCEMENT); RELOCATE SEC. 7.9 (TRAFFIC PERFORMANCE STANDARDS) TO NEW ARTICLE 15 (TRAFFIC PERFORMANCE STANDARDS); RELOCATE SEC. 7.4 (PROHIBITION OF DUMPING, REGULATION OF WASTE DISPOSAL AND CLEAN FILL ACTIVITY), 7.10 (ON SITE SEWAGE DISPOSAL SYSTEMS) AND SEC. 7.11 (WATER SUPPLY SYSTEMS) TO NEW ARTICLE 16 (HEALTH DEPARTMENT REGULATIONS); RELOCATE SEC. 7.12 (PARKS AND RECREATION STANDARDS) TO NEW ARTICLE 17 (PARK AND RECREATION STANDARDS); RELOCATE ARTICLE 13 (NONCONFORMITIES) TO NEW SEC. 1.6 THROUGH 1.10 (GENERAL PROVISIONS); CREATE NEW SEC. 1.11 (CREATION OF POTENTIALLY BUILDABLE SINGLE FAMILY RESIDENTIAL LOTS); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting and enforcing zoning and administrative regulations necessary for the protection of the public; and

WHEREAS, the Unified Land Development Code was adopted pursuant to Chapter 163.3202 (Land Development Regulations) of the Florida Statutes to further growth management requirements; and

WHEREAS, the Board of County Commissioners mandated that staff conduct periodic reviews of the Unified Land Development Code to ensure consistency with the Comprehensive Plan, ensure technical consistency among the various provisions, evaluate the effectiveness of the Code and make proposals on outstanding and new issues; and

WHEREAS, the Board of County Commissioners determines that the amendment will improve the procedures and standards of the Unified Land Development Code; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to increase the number of residential zoning districts permitted within a particular residential future land use designation to ensure compatibility with surrounding properties; and

WHEREAS, the Board of County Commissioners has determined that certain established residential lots did not comply with subdivision procedures but comply with current minimum development standards and the Comprehensive Plan at the time the lot was created, may be designated as a potentially buildable lot; and

WHEREAS, Chapter 162 Florida Statutes, permits local governing bodies to establish Code Enforcement Boards and procedures; and

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Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

1 WHEREAS, the Board of County Commissioners adopted a Code
2 Enforcement Ordinance when it enacted 92-20, as amended, known as
3 the Code Enforcement Ordinance of Palm Beach County; and

4 WHEREAS, the Code Enforcement Ordinance of Palm Beach County
5 permits the assessment of civil penalties against persons violating
6 codes and ordinances;

7 WHEREAS, the Board of County Commissioners has determined that
8 the County should suspend accepting applications for the Voluntary
9 Density Bonus program until such time changes are made to the
10 County's Affordable Housing Programs; and

11 WHEREAS, the Board of County Commissioners, sitting as the
12 Land Development Regulation Commission, finds this amendment is
13 consistent with the adopted Comprehensive Plan;

14 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
15 OF PALM BEACH COUNTY, FLORIDA, THAT:

16 **PART 1.** Sections of the Unified Land Development Code are amended
17 as follows:

18 Subpart. Section 3.2., Definitions is amended to add and delete
19 language as follows:

20 **Retail sales, general** means an establishment providing
21 general retail sales or rental of goods, but excluding
22 those uses specifically classified in another use type.
23 ~~Typical uses include typical retail stores such as but~~
24 ~~not limited to clothing stores, auto parts stores,~~
25 ~~bookstores, business machine sales, rental and accessory~~
26 ~~repair stores, clothing stores, department stores,~~
27 ~~discount stores, drug stores, electronic and household~~
28 ~~appliance stores, florists, food stores (excluding~~
29 ~~convenience stores), floor covering stores, furniture~~
30 ~~stores, garden supply stores, hardware stores, and marine~~
31 ~~supply sales (excluding boat sales), office supply~~
32 ~~stores, optical retail sales, paint stores, toy stores~~
33 ~~and variety stores and stores for the sale and rental of~~
34 ~~small machines such as golf carts, lawn mowers, mopeds,~~
35 ~~or accessory repair for items sold. Uses shall also~~
36 ~~include the sale of bulky goods such as household goods,~~
37 ~~lawn mowers, mopeds, motorcycles and golf carts. Retail~~
38 ~~establishments may rent and perform incidental repair to~~
39 ~~their products. For impact fee purposes, general retail~~
40 ~~will also include services such as entertainment, eating~~
41 ~~and drinking establishments, and personal services.~~

42 Subpart. Section 3.2. Definitions, Self-service storage is amended
43 to add language as follows:

44 **Self-service storage, limited-access** means a multi-
45 storied self-service storage facility, with limited
46 access points from the exterior of the building to
47 interior halls that serve individual bays.

48 **Self-service storage, multi-access** means a one story
49 self-service storage facility with multi-access points
50 from the exterior of the building to individual bays.

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1 Subpart. Section 5.2, Site Specific (Future Land Use Atlas)
2 Comprehensive Plan Amendments is amended to add and
3 delete language as follows:

4 SEC. 5.2 SITE SPECIFIC ~~(FUTURE LAND USE ATLAS)~~
5 COMPREHENSIVE PLAN AMENDMENTS.
6

7 A. Purpose. The purpose of this section is to provide
8 a means for changing the boundaries or designations
9 of the Future Land Use Atlas by means of the
10 ~~Comprehensive Plan~~ Site Specific Comprehensive
11 ~~Plan~~ amendments to the Comprehensive Plan. It is
12 not intended to relieve particular hardships, nor
13 to confer special privileges or rights on any
14 person, but only to make necessary adjustments in
15 light of changed conditions. In determining whether
16 to grant a requested amendment, the Board of County
17 Commissioners shall consider, in addition to the
18 factors set forth in this section, the consistency
19 of the proposed amendment with the intent of the
20 Palm Beach County Comprehensive Plan, Treasure
21 Coast Regional Policy Plan, State of Florida
22 Comprehensive Growth Management Plan, Chapter 163,
23 F.S., and Rules 9J-5 and 9J-11, F.A.C.

24 B. Authority. The Board of County Commissioners may
25 amend the boundaries or designations of the Future
26 Land Use Atlas of the Comprehensive Plan upon
27 compliance with the provisions of this section.

28 C. Initiation. Amendments may be proposed by the Board
29 of County Commissioners, the ~~Executive Director of~~
30 ~~PZB Local Planning Agency~~, or the owner ~~or another~~
31 ~~person having a contractual interest in~~ of the land
32 to be affected by a proposed amendment, ~~or their~~
33 ~~agent with submission of appropriate consents.~~

34 D. Procedure.

35 1. Preapplication conference. A potential applicant
36 for a Site Specific ~~(Future Land Use Atlas)~~
37 ~~amendment to the Comprehensive Plan~~ may request in
38 writing an optional preapplication conference with
39 the Planning Director. Prior to the optional
40 preapplication conference, the applicant shall
41 provide to the Planning Director a description of
42 the character, location and magnitude of the
43 proposed amendment and any other information the
44 potential applicant deems relevant. The purpose of
45 the preapplication conference is to acquaint the
46 potential applicant with the requirements for a
47 Site Specific ~~(Future Land Use Atlas)~~ amendment ~~to~~
48 ~~the Comprehensive Plan~~. The substance of the
49 optional preapplication conference shall be
50 recorded in a summary prepared by the Planning
51 Director. The letter shall be mailed to the
52 applicant by the Planning Director within seven (7)

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1 working days after the optional preapplication
2 conference. The summary shall set forth the
3 subjects discussed at the preapplication conference
4 and the County's position in regard to the subject
5 matters discussed.

6 2. Timing. An application by a property owner for a
7 Site Specific ~~(Future Land Use Atlas)~~ amendment to
8 the Comprehensive Plan shall be accepted for review
9 and processing ~~once~~ twice each year. That date
10 shall be announced four (4) months in advance by
11 the Board of County Commissioners. There shall be
12 two (2) exceptions to this timing requirement. An
13 amendment shall be considered at any time if it is
14 directly related to a development of regional
15 impact (DRI), including a substantial deviation for
16 a DRI. A small scale development shall also be
17 considered at any time subject to Chapter 163, F.S.
18 Nothing in this section shall be deemed to require
19 favorable consideration of the amendment solely
20 because it is related to a development of regional
21 impact or because it is a small scale development
22 amendment. ~~The Board of County Commissioners may~~
23 ~~initiate a Site Specific (Future Land Use Atlas)~~
24 ~~amendment at any time.~~

25 3. Submission of application. An application for a
26 Site Specific ~~(Future Land Use Atlas)~~ amendment to
27 the Comprehensive Plan shall be submitted to the
28 Planning Director along with a nonrefundable
29 application fee that is established by the Board of
30 County Commissioners ~~from time to time to defray~~
31 ~~the actual cost of processing the application.~~

32 4. Contents of application. The application shall be
33 submitted in a form established by the Planning
34 Director ~~and made available to the public.~~

35 5. Determination of sufficiency. The Planning Director
36 shall determine whether the application is
37 sufficient and includes data necessary to evaluate
38 the application.

39 6. Review, report and recommendation by Planning
40 Director. If the application is determined
41 sufficient (as long as it is determined sufficient
42 by the date established by the Planning Director
43 for the review of Site Specific ~~(Future Land Use~~
44 ~~Atlas)~~ amendments to the Comprehensive Plan), the
45 Planning Director shall review the application,
46 consult with other agencies, prepare a staff report
47 (which incorporates the comments of the other
48 agencies), and make a recommendation of approval,
49 approval with conditions, or disapproval based on
50 the standards in Sec. ~~5.2.D.13~~ 5.2.D.10. The
51 Planning Director shall send a copy of the staff
52 report to the applicant by mail on the day the
53 staff report is completed, along with written
54 notification of the time and place the application
55 will be considered by the Land Use Advisory Board.

56 7. ~~Public hearings.~~ (see new Sub-Section 8 and 9)

57 9. ~~The Land Use Advisory Board sitting as the Local~~

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1 Planning Agency shall hold at least one (1) public
2 hearing on a proposed Site Specific (Future Land
3 Use Atlas) amendment to the Comprehensive Plan and
4 make recommendations regarding the proposed
5 amendments to the Board of County Commissioners.
6 The Local Planning Agency public hearing shall be
7 advertised by means of publication of a notice of
8 the time, place and purpose of the public hearing at
9 least twice in a newspaper of general circulation
10 in the County, with the first publication not less
11 than fourteen (14) days prior to the date of the
12 hearing and the second to be at least five (5) days
13 prior to the hearing.

14 ~~10. The Board of County Commissioners shall hold at~~
15 ~~least one (1) public hearing on a proposed Site~~
16 ~~Specific (Future Land Use Atlas) amendment to the~~
17 ~~Comprehensive Plan, prior to the proposed~~
18 ~~amendment's transmittal to DCA pursuant to Sec.~~
19 ~~163.3184(3), Fla. Stat., for written comment. The~~
20 ~~transmittal public hearing shall be held on a~~
21 ~~weekday approximately seven (7) days after notice~~
22 ~~is published pursuant to this section. An intention~~
23 ~~to hold adoption public hearings shall be announced~~
24 ~~at the transmittal public hearing. The Planning~~
25 ~~Director shall, at the same time ten (10) copies of~~
26 ~~the proposed amendments are transmitted to DCA,~~
27 ~~transmit a copy to any other local government or~~
28 ~~governmental agency in the state that has filed a~~
29 ~~written request for a copy with the Executive~~
30 ~~Director of PZB, and paid a fee to defray the costs~~
31 ~~of mailing.~~

32 ~~b. Adoption public hearings. Upon receipt of written~~
33 ~~comments from DCA on the proposed amendment, the~~
34 ~~Board of County Commissioners shall have sixty (60)~~
35 ~~calendar days to each hold at least one (1) more~~
36 ~~public hearing and adopt the proposed amendment,~~
37 ~~adopt the amendment with changes, or determine that~~
38 ~~it will not adopt the amendment. Palm Beach County~~
39 ~~shall in writing invite DCA to participate in the~~
40 ~~public hearings held after written comments have~~
41 ~~been received from DCA. The public hearings held~~
42 ~~after Palm Beach County's receipt of DCA's written~~
43 ~~comments shall be on a weekday approximately five~~
44 ~~(5) working days after the day the notice for the~~
45 ~~public hearing is published.~~

46 ~~8-7. Notice.~~ Notice of a proposed amendment for any
47 public hearing shall be provided by publication of
48 advertisement, mailed notice and posting as
49 pursuant to the terms of this section.

50 a. Advertisement. The required advertisements shall
51 meet the requirements of Chapter 163, F.S. as
52 amended from time to time. The advertisement shall
53 also contain the following:

- 54 1. A location map clearly indicating the area covered
55 by the proposal including major streets;
- 56 2. A notice that interested parties may appear at the
57 public hearing and be heard regarding transmittal
58 or adoption of the amendment; and

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1 3. Locations where the proposed amendment is available
2 for public inspection.

3 ~~If the proposed amendment changes the permitted uses of~~
4 ~~land or changes land use categories, the required~~
5 ~~advertisement shall be no less than one quarter page in~~
6 ~~a standard size or a tabloid size newspaper, and the~~
7 ~~headline in the advertisement shall be in a type no~~
8 ~~smaller than 18 point. The advertisement shall not be~~
9 ~~placed in that portion of the newspaper where legal~~
10 ~~notices and classified advertisements appear. The~~
11 ~~advertisement shall be published in a newspaper of~~
12 ~~general paid circulation in Palm Beach County and of~~
13 ~~general interest and readership in the community, not one~~
14 ~~of limited subject matter or limited distribution,~~
15 ~~pursuant to Chapter 50, Fla. Stat. Whenever possible, the~~
16 ~~advertisement shall appear in a newspaper that is~~
17 ~~published at least five (5) working days a week, unless~~
18 ~~the only newspaper in the county is published less~~
19 ~~frequently. The advertisement shall be in substantially~~
20 ~~the following form:~~

21 ~~NOTICE OF CHANGE OF LAND USE~~

22 ~~Palm Beach County proposes to change the use of land~~
23 ~~within the area shown in the map in this advertisement.~~

24 ~~A public hearing on the proposal will be held on (date~~
25 ~~and time) at (place).~~

26 b.- Mailing. A courtesy notice of a proposed Plan
27 Amendment shall be mailed to all owners of real
28 property located within five hundred (500) feet of
29 the periphery of the land to be affected by the
30 requested change, whose names and addresses are
31 known by reference to the latest published ad
32 valorem tax records of the County property
33 appraiser, except that when real property consists
34 of a condominium, notice shall be given to the
35 condominium association and all real property
36 owners living in a building within five hundred
37 (500) feet. If the area within five hundred (500)
38 feet is owned by the applicant or partner in
39 interest, the five hundred (500) foot notification
40 boundary shall be extended from these parcels. All
41 property owners associations and cooperatives
42 within the area as well as all counties and
43 municipalities within one mile of the area shall be
44 notified. Areas that a municipality has identified
45 as a future annexation area shall also give notice
46 to the municipality. The notice shall state the
47 substance of the proposal and shall set a date,
48 time and place for the public hearing. The notice
49 shall contain a location map clearly indicating the
50 area covered by the proposal including major
51 streets, and a statement that interested parties
52 may appear at the public hearing and be heard
53 regarding transmittal or adoption of the amendment.
54 Such notice shall be given approximately fifteen
55 (15) to thirty (30) calendar days prior to the date
56 set for the first public hearing by depositing such
57 notice in the mail by certified or first class
58 mail, ~~return receipt requested~~, properly addressed
59 and postage prepaid, to each owner as the ownership

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1 appears on the last approved tax roll. A copy of
2 such notice shall be kept available for public
3 inspection during regular business hours at the
4 office of the Board of County Commissioners.

5 If the property is undergoing a simultaneous land
6 use change and rezoning, the notice for the
7 rezoning may be included in the notice required for
8 the land use change.

9 c. Posting. The land subject to the application shall
10 be posted with a notice of the public hearing on a
11 sign provided by the County at least fifteen (15)
12 calendar days in advance of any public hearing. One
13 (1) notice shall be posted for each five hundred
14 (500) feet of frontage along a public street.
15 Notice shall be setback no more than twenty five
16 (25) feet from the street. All signs shall be
17 erected in full view of the public on each street
18 side of the land subject to the application. Where
19 the land does not have frontage on a public street,
20 signs shall be erected on the nearest street right-
21 of-way with an attached notation generally
22 indicating the direction and distance to the land
23 subject to the application. If the change in land
24 use is being requested by a public agency, the
25 Local Planning Agency, or the Board of County
26 Commissioners, signs shall be erected on the
27 nearest street right-of-way or at major
28 intersections leading to and within the subject
29 property. The notice shall contain a map indicating
30 the boundaries of the subject property. The signs
31 shall be removed by the applicant after the BCC
32 transmittal hearing date (adoption hearing date for
33 small scale development amendments) decision is
34 rendered on the application. The failure of any
35 such posted notice to remain in place after the
36 notice has been posted shall not be deemed a
37 failure to comply with this requirement, or be
38 grounds to challenge the validity of any decision
39 made by the Board of County Commissioners.

40 d. ~~Other~~. The advertisement and mailed notice shall
41 also contain a geographic location map that clearly
42 indicates the area covered by the proposal. The map
43 shall include major street names as a means of
44 identification of the area. The advertisement shall
45 also state the places within the boundary of Palm
46 Beach County where the proposed amendment may be
47 inspected by the public. The advertisement and
48 mailed notice shall also advise that interested
49 parties may appear at the meeting and be heard
50 regarding the transmittal or adoption of the
51 amendment. Exceptions to Posting. The notice
52 requirements shall not apply to actions by the
53 Board of County Commissioners initiating any of the
54 following:

- 55 (1) The change is subsequent to a land use action
56 resulting from the Voluntary Density Bonus Program
57 (Section 6.9) or the Transfer of Development Rights
58 - Special Density Program (Section 6.10);
- 59 (2) The change is to a Conservation designation and it
60 follows public agency acquisition;

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Nothing in this subsection removes the requirement for notice to the owner of the property which is being changed, Sec. 163.3181, F.S., as amended from time to time.

9-8. Action by the Land Use Advisory Board at sitting as the Local Planning Agency. The Local Planning Agency public hearing shall be advertised by means of publication of a notice of the time, place and purpose of the public hearing at least twice in a newspaper of general circulation in the County, with the first publication not less than fourteen (14) days prior to the date of the hearing and the second to be at least five (5) days prior to the hearing pursuant to Section 163.3174(1), F.S., as amended from time to time.

The Local Planning Agency shall conduct a public hearing on the application pursuant to the procedures in Sec. 5.1.F, and make recommendations regarding the proposed amendments to the Board of County Commissioners. At the public hearing, the Local Planning Agency shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the Local Planning Agency shall vote on its recommendations and findings based on the standards in Sec. ~~5.2.D.13~~ 5.2.D.10.

109. Action by Board of County Commissioners.

a. **Transmittal public hearing.** The transmittal public hearing shall be held on a weekday approximately seven (7) days after notice is published pursuant to Section 163.3184(15)(i), F.S., as amended from time to time. After the receipt of the recommendation of the Local Planning Agency, the Board of County Commissioners shall conduct one (1) transmittal public hearing on the application pursuant to the procedures in Sec. 5.1.F, and prior to the proposed amendment's transmittal to DCA pursuant to Sec. 163.3184(3), F.S., as amended from time to time. At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the recommendations of the Land Use Advisory Board sitting as the Local Planning Agency, and the public testimony given at the public hearing, and based on the standards in Sec. ~~5.2.D.13~~ 5.2.D.10, and by an affirmative vote of a majority of its total membership, vote to approve, approve with conditions, or deny for transmittal the application. Failure of a majority of the total membership of the Board of County Commissioners to approve the transmittal of an application for a Site Specific ~~(Future Land Use Atlas)~~ amendment to the Comprehensive Plan at the public hearing shall be deemed a denial of the proposed Site Specific ~~(Future Land Use Atlas)~~ amendment to the Comprehensive Plan.

b. **Adoption public hearing.** The adoption public

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hearing shall be on a weekday approximately five (5) working days after the day the notice for the public hearing is published pursuant to Sec. 163.3184(15)(2), F.S., as amended from time to time.

After Within sixty (60) calendar days of receipt of the DCA comments on an application for a Site Specific (Future Land Use Atlas) amendment to the Comprehensive Plan, the Board of County Commissioners shall conduct at least one (1) adoption public hearing on the application. At the public hearing, the Board of County Commissioners shall consider the application, the staff report, the relevant support materials, the DCA comments, and the public testimony given at the public hearing, and based on the standards in Sec. ~~5.2.D.13~~ 5.2.D.10, vote to adopt or not to adopt an ordinance making a Site Specific ~~(Future Land Use Atlas)~~ amendment to the Comprehensive Plan. A decision to adopt an ordinance making a Site Specific ~~(Future Land Use Atlas)~~ amendment to the Comprehensive Plan shall require a majority vote of the total membership of the Board of County Commissioners.

c. **Small Scale Development Amendments:** Small Scale Development Amendments shall require only one public hearing before the Board of County Commissioners, which shall be an adoption public hearing, pursuant to Sec. 163.3187(c)(4), F.S.

11.10. **Standards.** The adoption of an ordinance to make a Site Specific ~~(Future Land Use Atlas)~~ amendment to the Comprehensive Plan, shall be based on one (1) or more of the following factors, and a demonstrated need to amend the Future Land Use Atlas, as long as the Comprehensive Plan maintains its internal consistency.

a. **Changed projections.** Changed projections (e.g., regarding public service needs) in the Comprehensive Plan ~~or boundaries of the Future Land Use Atlas~~, including but not limited to amendments that would ensure provision of public facilities;

.

~~12. Small Scale Development Amendments. Notwithstanding the provisions of Sections 5.2.D.7.b, 5.2.D.8.a, and 5.2.10.a, small scale development amendments shall follow the procedures and regulations set forth in Sec. 163.3187 (c), Fla. Stat.~~

Subpart. Section 5.3.D.6.a., Development Review Procedures; Official Zoning Map Amendment is amended to add language as follows:

(2) **Mailing.** A courtesy notice of a proposed amendment to the boundaries of the Official Zoning Map affecting less than five (5) percent of the total land area of the unincorporated County shall be mailed to all owners of real property located

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1 within three hundred (300) feet of the periphery of
2 the land to be affected by the requested change,
3 whose names and addresses are known by reference to
4 the latest published ad valorem tax records of the
5 County property appraiser, except that when real
6 property consists of a condominium, notice shall be
7 given to the condominium association and all real
8 property owners living ~~in a building~~ within three
9 hundred (300) feet. If the area within three
10 hundred (300) feet is owned by the applicant or
11 partner in interest, then the three hundred (300)
12 foot notification boundary shall be extended from
13 these parcels. All property owners associations and
14 cooperatives within this area as well as all
15 counties and municipalities within one mile of the
16 area shall also be notified. Areas that a
17 municipality has identified as a future annexation
18 area shall also give notice to the municipality.
19 The notice shall state the substance of the
20 proposal and shall set a date, time and place for
21 the public hearing. The notice shall contain a
22 location map clearly indicating the area covered by
23 the proposal including major streets, and a
24 statement that interested parties may appear at the
25 public hearing and be heard regarding the proposal.
26 Such notice shall be given approximately fifteen
27 (15) to thirty (30) calendar days prior to the date
28 set for the first public hearing by depositing such
29 notice in the mail by certified mail, return
30 receipt requested, properly addressed and postage
31 prepaid, to each owner as the ownership appears on
32 the last approved tax roll. A copy of such notice
33 shall be kept available for public inspection
34 during regular business hours at the office of the
35 Board of County Commissioners. Certified, mailed
36 notice shall be given to the property owner of the
37 land proposed for the amendment. This notice shall
38 be given at least thirty (30) days prior to the
39 hearing before the Board.

- 40 (3) **Posting.** The land subject to the application shall
41 be posted with a notice of the public hearing on a
42 sign provided by the County at least fifteen (15)
43 calendar days in advance of any public hearing. One
44 (1) notice shall be posted for each one hundred
45 (100) feet of frontage along a public street.
46 Notice shall be setback no more than twenty five
47 (25) feet from the street. All signs shall be
48 erected in full view of the public on each street
49 side of the land subject to the application. Where
50 the land does not have frontage on a public street,
51 signs shall be erected on the nearest street right-
52 of-way with an attached notation generally
53 indicating the direction and distance to the land
54 subject to the application. If the change in land
55 use is being requested by a public agency or the
56 Board of County Commissioners, signs shall be
57 erected on the nearest street right-of-way or at
58 major intersections leading to and within the
59 subject property. The notice shall contain a map
60 indicating the boundaries of the subject property.
61 The signs shall be removed by the applicant after
62 the decision is rendered on the application. The
63 failure of any such posted notice to remain in

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1 place after the notice has been posted shall not be
2 deemed a failure to comply with this requirement,
3 or be grounds to challenge the validity of any
4 decision made by the Board of County Commissioners.

5 Subpart. Sections 5.4.E.6.a.(2), (3) and 5.4.F.6.a.(2), (3),
6 Development Review Procedures; Conditional Uses; Class A
7 Conditional Use and Class B Conditional Use are amended
8 to add language as follows:

9 6. Public hearings. ...

10 a. Notice. ...

11 (2) Mailing. A courtesy notice shall also be provided
12 by certified mail, return receipt requested, to all
13 owners of land within three hundred (300) feet of
14 the periphery of the land subject to the
15 application, whose names and addresses are known by
16 reference to the latest published ad valorem tax
17 records of the County property appraiser, except
18 that when an owner of real property consists of a
19 condominium, notice shall be given to the
20 condominium association and all real property
21 owners living in a building within three hundred
22 (300) feet. If the area within three hundred (300)
23 feet is owned by the applicant or partner in
24 interest, then the three hundred (300) foot
25 notification boundary shall be extended from these
26 parcels. All property owners associations and
27 cooperatives within this area as well as all
28 counties and municipalities within one mile of the
29 area shall also be notified. Areas that a
30 municipality has identified as a future annexation
31 area shall also give notice to the municipality. The
32 notice shall state the substance of the application
33 and shall set a time and place for the public
34 hearing on such application. The notice shall
35 contain a location map clearly indicating the area
36 covered by the proposal including major streets,
37 and a statement that interested parties may appear
38 at the public hearing and be heard regarding the
39 proposal. Such notice shall be given approximately
40 fifteen (15) to thirty (30) calendar days prior to
41 the date set for the first public hearing on an
42 application for a development permit.

43 (3) Posting. The land subject to the application for
44 development permit for a Class "A" conditional use
45 shall be posted with a notice of the public hearing
46 on a sign provided by the County at least fifteen
47 (15) calendar days in advance of any public
48 hearing. One (1) notice shall be posted for each
49 one hundred (100) feet of frontage along a public
50 street. Notice shall be setback no more than twenty
51 five (25) feet from the street. All signs shall be
52 erected in full view of the public on each street
53 side of the land subject to the application. Where
54 the land does not have frontage on a public street,
55 signs shall be erected on the nearest street right-
56 of-way with an attached notation generally
57 indicating the direction and distance to the land
58 subject to the application. If the change in land
59 use is being requested by a public agency or the

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Board of County Commissioners, signs shall be erected on the nearest street right-of-way or at major intersections leading to and within the subject property. The notice shall contain a map indicating the boundaries of the subject property. The signs shall be removed by the applicant after the decision is rendered on the application. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

Subpart. Section 5.5.E, Special Permit Use, Procedure is amended to add language as follows:

9. Renewal of Special Permit. All special permits shall be renewed in accordance with the applicable permit type as required in Sec. 6.4.D.

For special permits required to be renewed annually, the special permit shall be renewed on or before the date the original permit was issued in accordance with the following procedures:

1. Procedure.

a. The department may mail a courtesy notice and renewal form to the applicant 30 days prior to the expiration of the special permit.

b. The applicant must submit payment along with the executed renewal form.

c. During review of the request to renew the special permit, or as otherwise provided in this code, the department reserves the right to inspect the property to ensure compliance with this subsection.

d. If the department finds the renewal application and use of the property in compliance, a renewal permit shall be mailed to the applicant.

If the department finds non-compliance with the special permit or standards herein, the applicant shall be given a maximum of sixty days to comply or the special permit shall become null and void. If the applicant fails to renew the special permit within 60 days of expiration, it shall be considered null and void.

(2) Fee. Renewal fees for the special permit shall be required, annually, in accordance with the department's fee

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1 schedule.

2 Subpart. Section 5.7.D.5., Development Review Procedures;
3 Variances; Procedure; Public Hearing, is amended to add
4 language as follows:

5 b. Mailing. Notice shall be sent by certified mail,
6 return receipt requested, to all land owners within
7 three hundred (300) feet of the periphery of the
8 land subject to the application, whose names and
9 addresses are known by reference to the latest
10 published ad valorem tax records of the County
11 property appraiser, except that when an owner of
12 real property consists of a condominium, notice
13 shall be given to the condominium association and
14 all real property owners living ~~in a building~~
15 within three hundred (300) feet. If the area within
16 three hundred (300) feet is owned by the applicant
17 or partner in interest, then the three hundred
18 (300) foot notification boundary shall be extended
19 from these parcels. All property owners
20 associations and cooperatives within this area as
21 well as all counties and municipalities within one
22 mile of the area shall also be notified. Areas that
23 a municipality has identified as a future
24 annexation area shall also give notice to the
25 municipality. The notice shall state the substance
26 of the application and shall set a time and place
27 for the public hearing on such application. The
28 notice shall contain a location map clearly
29 indicating the area covered by the proposal
30 including major streets, and a statement that
31 interested parties may appear at the public hearing
32 and be heard regarding the proposal. Such notice
33 shall be given approximately fifteen (15) to thirty
34 (30) calendar days prior to the date set for the
35 first public hearing on an application for a
36 development permit.

37 c. Posting. The land subject to the application for
38 development permit for a variance shall be posted
39 with a notice of the public hearing on a sign
40 provided by the County at least fifteen (15)
41 calendar days in advance of any public hearing. One
42 (1) notice shall be posted for each one hundred
43 (100) feet of frontage along a public street.
44 Notice shall be setback no more than twenty five
45 (25) feet from the street. All signs shall be
46 erected in full view of the public on each street
47 side of the land subject to the application. Where
48 the land does not have frontage on a public street,
49 signs shall be erected on the nearest street right-
50 of-way with an attached notation indicating
51 generally the direction and distance to the land
52 subject to the application. If the change in land
53 use is being requested by a public agency or the
54 Board of County Commissioners, signs shall be
55 erected on the nearest street right-of-way or at
56 major intersections leading to and within the
57 subject property. The notice shall contain a map
58 indicating the boundaries of the subject property.
59 The signs shall be removed by the applicant after
60 the decision is rendered on the application. The
61 failure of any such posted notice to remain in

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place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the Board of County Commissioners.

Subpart. Section 5.8.C.2.b., Compliance with time limitations; Procedures; Administrative extension of time is amended to add language as follows:

The maximum duration of an administrative time extension is as follows:

- 1) ~~Issuance of a development order.~~ Table 5.8-1 provides the maximum length of each administrative time extension for each development order governed by this Code. ~~the Code imposes unique time requirements, pursuant to subsection 5.8.D (Supplementary regulations for classes of development permits) herein.~~
- 2) Conditions of approval. Twelve (12) months shall be the maximum. Subsequent applications may be filed; however, the total administrative extensions approved shall not exceed twenty-four (24) months except when government caused delays can be documented as the reason for failure to meet required deadlines. The executive director, or a designee, shall grant such extensions as necessary to offset government caused delays, not necessarily equal to the time of delay. It is the responsibility of the property owner to notify staff in writing of the delay, however, no application or fee will be required. If the Board of County Commissioners has previously approved a time extension, any administrative extensions of time shall not extend more than twenty four (24) months from the original date for compliance except when there have been government caused delays.
- (3) Posting of Performance Surety for a Conditional Certificate of Concurrency Reservation. A one time six month administrative time extension shall be the maximum.

Subpart. Section 5.8.C.2.d., Compliance with time limitations; Procedures; Administrative extension of time is amended to add language as follows:

.....

- 6) Posting of performance surety for a conditional certificate of concurrency reservation. Compliance with the review criteria in subsection 11.4.C.5.c.(3)(b) criteria 1-5, above for posting of performance surety for a conditional certificate of concurrency reservation.

Section 5.8.C.5., Compliance with time limitations; Procedures; Decision by the Board of County Commissioners of Zoning Commission is amended to add language as follows:

.....

- 6) Grant a time extension.

1 Posting of surety for a conditional certificate of

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1 concurrency. Grant a one time six-month time
2 extension for a ~~period not to exceed twenty four~~
3 ~~(24) months~~ conditions of approval requiring the
4 posting of surety. ~~which time the property owner~~
5 ~~shall comply with the time requirement.~~ The term of
6 the time extension shall commence upon the
7 expiration of the date to ~~post surety.~~ ~~complete the~~
8 ~~time certain activity, or the expiration of the~~
9 ~~last extension, whichever is applicable.~~ When the
10 board approves an extension of time for the
11 payments of fees, the amount due shall increase by
12 an interest payment equal to twelve (12) percent a
13 year. If the extension covers a period less than a
14 year, the interest shall be prorated. In no case
15 shall the total time to post surety exceed twelve
16 (12) months from the date of approval of the
17 development order which imposed the condition to
18 post surety.

19 ii All other conditions of approval, Grant a time
20 extension for a period not to exceed twenty-four
21 (24) months during which time the property owner
22 shall comply with the time requirement. The term of
23 the time extension shall commence upon the
24 expiration of the date to complete the time certain
25 activity, or the expiration of the last extension,
26 whichever is applicable. When the board approves an
27 extension of time for the payments of fees, the
28 amount due shall increase by an interest payment
29 equal to twelve (12) percent a year. If the
30 extension covers a period less than a year, the
31 interest shall be prorated.

32

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1 Subpart. Section 6.2.D.4, District Purposes, Urban residential
2 districts is amended to add and delete language as
3 follows:

4 4. RTS, Residential Transitional Suburban District.

5 The purpose and intent of the RTS district is to
6 provide lands for low intensity single-family
7 development at or near the fringe of urban
8 development. The provision of active recreational
9 facilities within the privacy of an individual lot
10 and the preservation of natural site features is
11 encouraged in the RTS district to minimize the
12 impact of such development upon the community. The
13 RTS district corresponds with the Low Residential 2
14 (LR2) and Low Residential 3 (LR3) land use
15 designations in the Future Land Use Element of the
16 Comprehensive Plan. ...

17 Subpart. Section 6.2.D.6., Zoning Districts; District Purposes;
18 Urban residential districts is amended to add and delete
19 language as follows:

- 20 6. RS, Single-Family Residential District. The purpose
21 and intent of the RS district is to recognize the
22 need to provide areas for moderately high density
23 single-family dwelling units. The RS district
24 corresponds with the Medium Residential 5 (MR5) and
25 High Residential 8 (HR8), ~~High Residential 12~~
26 ~~(HR12)~~, and ~~High Residential 18 (HR18)~~ land use
27 designations in the Future Land Use Element of the
28 Comprehensive Plan...

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1 Subpart. Section 6.4.D, Zoning Districts, Use regulations and
2 Definitions is amended in its entirety to add definitions
3 from Section 3.2 to each use regulation.

4 Subpart. Section 6.4.D.1., Zoning Districts, Use regulations and
5 Definitions, Supplementary use standards, Accessory
6 dwelling is amended to add language as follows:

7 j. **Renewal of Special Permit.** The special permit shall
8 be renewed annually in accordance with Sec.
9 5.5.E.9. of this code.

10 Subpart. Section 6.4.D.6.1, Zoning Districts, Use regulations and
11 Definitions, Supplementary use standards, is amended to
12 add and delete language and renumber as follows:

13 1.a. **Designation criteria.** The property complies with
14 the following standards:

15 a. ~~The property is designated as Agricultural~~
16 ~~Production or Agricultural Reserve on the Future~~
17 ~~Land Use Plan Map; or~~

18 b. ~~The property meets the following standards:~~

19 Subpart. Section 6.4.D.10, Zoning Districts, Use regulations and
20 Definitions, Supplementary use standards, Amusements,
21 temporary or Special is amended to add language as
22 follows:

23 c. **Setbacks.** ~~No~~ All buildings, mobile homes, trailers,
24 vehicles, tents, mechanical devices, carnival rides
25 or animals related to a commercial or amusement
26 type use shall ~~be~~ comply with the minimum setbacks
27 of the district and shall be located at least 50
28 feet from a right-of-way and ~~within~~ two hundred
29 (200) feet ~~of~~ from any property line adjacent to a
30 residential district. Carnival rides shall be
31 setback a minimum of 100 feet from any right-of
32 way.

33 Subpart. Section 6.4.D.16., Zoning Districts, Use regulations and
34 Definitions, Supplementary use standards, Bed and
35 Breakfast is amended to add language as follows:

36 j. **Renewal of Special Permit.** The special permit shall
37 be renewed annually in accordance with Sec. 5.5.E.9
38 of this code.

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1 Subpart. Section 6.4.D.24.b.(3) Table 6.4-5 Use Key and
2 Definitions, Congregate Living Facilities Permissible
3 Occupancy, Type 3 is amended as follows:

4 TABLE 6.4-5
5 Maximum Permissible Occupancy in Type 3
6 Congregate Living Facilities

Land Use Plan Category (Residential)	Zoning District	Maximum Occupancy (Residents per Acre)	
		In a Standard Zoning District	In a Planned Development
AGR	AGR	PROHIBITED	.24
RR10	RSER	PROHIBITED	.24
RR10	AR	PROHIBITED	.24
RR20	AR	PROHIBITED	.12
RR10	CRS	PROHIBITED	.24
RR20	CRS	PROHIBITED	.12
LR1	CRS	PROHIBITED	2.4
LR1	RE, RT	PROHIBITED	2.4
LR2	RT	PROHIBITED	4.8
LR3	RTS	PROHIBITED	7.2
MR5	RS, RTU	PROHIBITED	12
HR8	RS, RM, RH	14.3	19.1
HR12	RS	14.3	19.1
HR18	RS	14.3	19.1
HR12	RM, RH	19.12	28.7
HR18	RM	19.12	28.7
HR18	RH	19.12	28.7

27 Subpart. Section 6.4.D.47.1, Zoning Districts, Use regulations and
28 Definitions, Supplementary use standards, Grooms Quarters
29 is amended to add language as follows:

30 c. Renewal of Special Permit. The special permit shall
31 be renewed annually in accordance with Sec.
32 5.5.E.9. of this code.

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1 Subpart. Section 6.4.D.83., Zoning Districts, Use regulations and
2 Definitions, Supplementary use standards, Retail sales,
3 mobile, temporary or transient is amended to add and
4 delete language as follows:

5 83. Retail sales, mobile, temporary or transient means
6 retail sales operations without a fixed or
7 permanent location. Typical uses include sales of
8 flowers or food products; temporary seasonal sales,
9 such as Christmas trees or sparklers; as defined in
10 F.S. chapter 791; and special event sales which
11 require a tent or temporary structure. In no case
12 shall fireworks be offered for sale, exposed for
13 sale, located or sold under a permit issued in
14 accordance with this section.

15 A mobile, temporary, or transient retail sales or
16 service use shall comply with the following
17 supplementary standards. These standards may be
18 enforced by the Code Enforcement Citation System
19 and shall be considered a Class IV violation for
20 purposes of fine levied. If the vendor is found in
21 violation of any provision of the terms of the
22 permit or of this Code, the Zoning Director may
23 shall have all remedies provided by Code or Statute
24 and shall withhold future special permits for a
25 period of eighteen (18) months. A copy of the
26 approved special permit shall be kept on site
27 during the entire duration of the temporary use.

28 a. Temporary sales. A temporary seasonal retail sales
29 use, such as Christmas trees or sparklers, or
30 special events sales, such as the sale of
31 furniture, plants, or toy sales, that may or may
32 not require a tent or temporary structure,
33 excluding trailers, shall:
34

.....

35 (4) Setbacks. ~~Meet all required~~ The use shall comply
36 with the setbacks of the district. ~~in which it is~~
37 ~~located.~~ At a minimum, the use shall be setback
38 from all rights-of-way a minimum of thirty (30)
39 feet.

40

41 (12) Insurance. Submit proof of liability insurance paid
42 in full covering the period for which the permit is
43 issued, in the minimum amount of ~~three~~ five hundred
44 thousand dollars (\$3500,000.00) per occurrence.

45 (13) SA district. In the SA district temporary sales
46 shall be limited to plants, pumpkins and Christmas
47 trees, and shall exclude sparkler sales.

48 (14) Special Provisions for the sale of Sparklers. In
49 addition to the requirements set forth above,
50 sales of sparklers shall comply with the following
51 requirements:

52 (a) Seasonal limitations. Seasonal sales shall be
53 limited to June 20 through July 5 and December 10
54 through January 2 of any given year.

55 (b) Location. The sale of sparklers shall be limited to

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the Commercial General and Light Industrial zoning districts.

(c) Hours of operation. Hours of operation shall be limited from 7 a.m. to 11 p.m.

(d) Electrical service. ~~Generators shall be prohibited on-site.~~ Temporary electrical service to a site shall be provided by an approved temporary connection. If a generator is used on site, it shall meet the supplemental requirements established by the Palm Beach County Chief Electrical Inspector and Palm Beach County Fire-Rescue Department.

(e) Storage trailers. Temporary storage trailers may be permitted in conjunction with the temporary sales. Trailers shall be parked a minimum of 75 feet from primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.

(f) Supplemental application requirements. An application for each location shall be submitted. Each permit application shall be supplemented with the following documentation:

i A certificate of registration from the State Fire Marshal authorizing sale of sparklers.

ii A signed and notarized affidavit of Approved List of Sparklers.

iii A site plan approved by the Department of Fire Rescue and Palm Beach County Sheriff's Office.

iv A signed and notarized Removal Agreement.

Subpart. Section 6.4.D.86., Zoning Districts, Use regulations and Definitions, Supplementary use standards, Security Quarters is amended to add language as follows:

j. Renewal of Special Permit. The special permit shall be renewed annually in accordance with Sec. 5.5.E.9. of this code.

Subpart. Section 6.4.D.87., Zoning Districts, Use regulations and Definitions, Supplementary use standards, Self-service storage is amended to add and delete language as follows:

87. Self-service storage. A self-service storage use shall comply with the following supplementary use standards: may be developed as a one story multiple access facility or as a multi-story limited access facility in accordance with the standards in this subsection.

a. General. All self-service storage uses shall comply with the following:

a-(1) No commercial Uses. ~~The only commercial uses permitted on the site of a self-service storage facilities use shall be limited to the rental of storage bays and the pickup and deposit of goods or property in dead storage. except that: Storage bays shall not be used to~~

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1 manufacture, ~~fabricate or process goods,~~
2 ~~service or repair vehicles, boats, small~~
3 ~~engines or electrical equipment, or to conduct~~
4 ~~similar repair activities; conduct garage~~
5 ~~sales or retail sales of any kind; or conduct~~
6 ~~any other commercial or industrial activity on~~
7 ~~the site.~~

8 (2) Vehicle Rental: A Vehicle Rental Facility may be
9 permitted on site subject to review and approval as
10 a Conditional Use A. The accessory use shall be
11 limited to the rental of trucks and trailers used
12 for moving; the installation of hitch and towing
13 packages, and wash facility for rental inventory.

14 The rental facility office shall be located facing
15 a collector street. A maximum of 1000 square feet
16 of the rental office may be devoted to the rental
17 and sale of retail items used for moving and
18 storage including but not limited to: hand trucks,
19 cartons, tape, and packing materials.

20 (a) Employee and Customer Parking. If a conditional use
21 A is requested for a vehicle rental facility, then
22 parking shall be calculated in accordance with Sec.
23 7.2.C. of this code.

24 (b) Parking of rental trucks. Parking of rental trucks
25 and trailers approved as an accessory commercial
26 use may be permitted to be parked outside subject
27 to the following criteria:

28 i Sec. 6.4.D.87.A.(6).b.i,iii and iv of this
29 subsection.

30 ii Sec. 7.2 of this code.

31 e-(3) Use of Bbays not legal address. Use of storage
32 bays shall be limited to storage of personal
33 goods. Storage bays shall not be used to
34 manufacture, fabricate or process goods;
35 service or repair vehicles, boats, small
36 engines or electrical equipment, or to conduct
37 similar repair activities; conduct garage
38 sales or retail sales of any kind; or conduct
39 any other commercial or industrial activity on
40 the site. Individual storage bays or private
41 postal boxes within a self-service storage
42 facility use shall not be considered premises
43 for the purpose of assigning a legal address
44 in order to obtain an occupational license or
45 other governmental permit or license to do
46 business nor as a legal address for
47 residential purposes. Violation of this
48 subsection shall cause revocation of any
49 license or permit obtained to conduct such
50 activity.

51 e-(4) Minimum lot size. The minimum lot size for a
52 self-service storage facility shall be ~~three~~
53 ~~(3)~~ two (2) acres. A self-service storage
54 facility use included within a Planned
55 Development District shall have a minimum of
56 ~~three (3)~~ two (2) acres devoted exclusively to

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1 such use. ~~No variance or other relief shall be~~
2 ~~granted from this standard.~~

3 ~~b.~~ (5) Security quarters permitted. A security or care-
4 taker quarters use may be established on the site
5 of a self-storage facility pursuant to Sec. 6.4.D.

6 ~~d.~~ (6) Outside storage. ~~(i)~~ Except as provided in this
7 section, all property stored ~~on~~ in the site ~~area~~
8 ~~devoted to~~ of a self-service storage facility use
9 shall be entirely within enclosed buildings.

10 ~~(2)~~ (a) Open storage of recreational vehicles and dry
11 storage of pleasure boats of the type customarily
12 maintained by persons for their personal use shall
13 be permitted within a self service storage facility
14 use, provided that the following standards are met.

15 ~~(a)~~ i) The storage shall occur only within a designated
16 area. The designated area shall be clearly
17 delineated.

18 ~~(b)~~ ii) The storage area shall not exceed twenty-five (25)
19 percent of the ~~buildable lot area of the site~~
20 ~~unless approved by the Board of County~~
21 ~~Commissioners. In no case shall the storage area~~
22 ~~exceed 50 percent of the lot area.~~

23 ~~(c)~~ ~~iii)~~ The storage area shall be entirely screened from
24 view from adjacent residential areas and public
25 roads by a building or by installation of a six (6)
26 foot high wall meeting the requirements of Sec.
27 7.3.E.3.b (Compatibility landscape buffer strips)
28 for Alternative Landscape Strip ~~Number 1 or Number~~
29 ~~2 Number 3 or Number 4.~~

30 ~~(d)~~ iv) Storage shall not occur within the area set aside
31 for minimum building setbacks.

32 ~~(e)~~ v) Pleasure boats stored on the site shall be placed
33 and maintained upon wheeled trailers.

34 ~~(f)~~ vi) No dry stacking of boats shall be permitted on
35 site.

36 ~~(g)~~ vii) No vehicle maintenance, washing or repair shall be
37 permitted.

38 ~~j.~~ (7) Landscaping and buffering.

39 ~~(1)~~ (a) Wall option. A self-service storage facility use
40 may dispense with the wall that is required to be
41 erected within the required perimeter landscape
42 strip for that portion of the perimeter if all of
43 the following standards are met.

44 ~~(a)~~ i. The exterior facades of storage structures present
45 an unbroken, wall-like appearance when seen from
46 adjacent lots and rights-of-way. This shall not
47 prevent the installation of fire access doors, if
48 mandated by law.

49 ~~(b)~~ ii. The exterior facades of separate storage structures
50 are joined by walls to give the appearance of
51 structural continuity.

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1 minimum of use of standard directional signage and
2 painted lane markings with arrows.

3 (c) Appropriate access and circulation by vehicles and
4 emergency equipment shall be ensured through the design
5 of internal turning radii of aisle ways.

6 c. Supplemental standards for limited access self-storage
7 facilities. In addition to the general standards above,
8 limited-access self-service storage facilities shall
9 comply with the following regulations:

10 (1) Height. The structure shall meet the height requirements
11 of the district. A parapet wall shall be constructed to
12 screen roof-mounted air conditioning and any other
13 equipment. The parapet wall shall be included in the
14 height of the structure.

15 (2) Architectural Compatibility. The Board of County
16 Commissioners may require one or more of the facades to
17 incorporate architectural features on one or more facades
18 to reduce the scale and mass of the structure.
19 Architectural treatment may be required to ensure that
20 the building is compatible with surrounding land uses and
21 does not appear as an industrial warehousing structure.
22 Architectural treatment may include, but is not limited
23 to:

24 (a) use of varying roof heights, pitches and overhangs;

25 (b) use of appearance of window openings in proportion to the
26 overall facade and the horizontal or vertical emphasis of
27 major building elements; and,

28 (c) use of building materials to create visual details to
29 provide relief in building mass.

30 Elevations demonstrating the architectural treatment
31 shall be submitted and approved prior to certification of
32 the final site plan by the Development Review Committee.
33 The Zoning Director may require the architectural
34 elevations to be reviewed by the Board of County
35 Commissioners if it is determined that the proposed
36 architectural features do not correspond to the context
37 and character of the surrounding land uses.

38 (3) Loading. Each entry point used to access hallways leading
39 to the storage bays shall accommodate a minimum of two
40 loading berths and related maneuvering area. The loading
41 areas shall not interfere with the primary circulation
42 system on site.

43 (4) Parking. Parking shall be provided in accordance with
44 Sec. 7.2. Parking allocated to the storage bays shall be
45 distributed among and conveniently located to the loading
46 areas.

47 Subpart. Section 6.4.D.92, Zoning Districts; Use Regulations and
48 Definitions; Supplementary Use Standards; Stand for the
49 sale of agricultural products is amended to add language
50 as follows:

51 92. Stand for the sale of agricultural products. ...

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1 a. The use is permitted in the AGR, AP, AR/Rural,
2 AR/USA, SA, RSER, CRS, CN, CG, CC, CHO, CRE, IL and
3 IG districts subject to a special use permit
4 approval.
5

6 c. The stand shall not exceed three hundred (300)
7 square feet ~~of gross floor area~~. For purposes of
8 this section, all sales and/or displays of
9 agricultural products must be contained within the
10 stand.

11 No sales and/or display of agricultural products is
12 permitted outside of this stand.

13 Section 6.4.D.95. Townhouse. A townhouse development shall
14 comply with the following supplementary use
15 standards. In the case of conflict with the
16 property development regulation of the
17 district, these standards shall apply.

18 a. General development regulations. See Sec. 6.5,
19 Property development regulations for additional
20 general development regulations not included in
21 this section.

22 1. General. Townhouse developments in the RTU
23 zoning district or in the RS zoning district
24 that lies within the MR5 future land use
25 category shall require a Conditional Use A
26 approval.

27 Section 6.4.D.103. 103. Zero lot line home. A zero lot line home
28 development shall comply with the
29 following supplementary use standards. In
30 the case of conflict with the property
31 development regulations of the district,
32 these standards shall apply.

33 a. General. Zero lot line developments in the RTU
34 zoning district or in the RS zoning district that
35 lies within the MR5 future land use category shall
36 require a Conditional Use A Approval.

37 a-b. Design standards.

38 b-c. Property development regulations.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 7/11/95
DATED at West Palm Beach, FL on 7/28/95
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

Highlighted language (e.g., the) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be
deleted.

July 27, 1995

1 Subpart. Section 6.4.D.103, Zoning Districts; Use regulations and
2 Definitions; Supplementary Use Standards; Zero Lot Line
3 Home is amended to delete and add language as follows:

4 a. Design standards. ...

- 5 (1) Zero lot line home. A zero lot line home shall be
6 designed abutting one (1), but not more than two
7 (2) property lines and shall comply with the
8 following standards:
9

10 (c) Maintenance and roof eave encroachment easement.....

- 11 (i) Easement width. This easement shall be of
12 sufficient width, minimum ~~two (2) feet~~
13 ~~eighteen (18) inches~~, to allow for the
14 maintenance of the zero lot line wall and to
15 accommodate the overhang of the roof eave and
16 gutter.

- 17 (g) Final subdivision plan. The design and function of
18 zero lot line homes abutting lot lines on two (2)
19 sides shall be graphically indicated on a final
20 subdivision plan prior to review and certification
21 by the Development Review Committee. The plan shall
22 indicate typical home configurations including door
23 and patio locations. In no event shall ~~separations~~
24 ~~between units be less than ten (10) feet.~~

Highlighted language (e.g., ~~the~~) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

TABLE 6.4 - 8
ZERO LOT LINE DEVELOPMENT
PROPERTY DEVELOPMENT REGULATIONS

	INTERIOR LOT	CORNER LOT	CORNER LOT
		ZERO LOT LINE HOME	SIDE STREET HOME
Minimum Lot Size	4,500 s.f.	4,500 s.f.	4,500 s.f.
Minimum Lot Width And Frontage	45 feet	60 55 feet	55 60 feet
Minimum Lot Depth	75 feet	75 feet	75 feet
Minimum Front Setback	Front loading garage 25 feet Side loading garage 10 feet Living quarters 10 feet	Front loading garage 25 feet Side loading garage 10 feet Living Quarters 10 feet	Front loading garage 25 feet Side loading garage 10 feet Living Quarters 10 feet
Minimum Side Interior Setback	opposite zero lot line Non Zero Lot Line 10 feet Zero Lot Line 0 feet	opposite lot line 10 feet Zero Lot Line 0 or 4 feet	10 feet - opposite street lot line 10 feet zero lot line 0 or 4 feet
Minimum Side Street Corner Setback	n/a	15 feet	15 feet
Minimum Rear Setback	10 feet	10 feet	10 feet
Maximum Building Height	35 feet	35 feet	35 feet
Maximum Lot Coverage	50% - building	50% - building	50% - building
Minimum Parking	2 spaces per unit	2 spaces per unit	2 spaces per unit

Notes. ...

- (7) Mechanical equipment shall be appropriately screened and oriented away from the front door and private spaces of the adjacent lot.

Highlighted language (e.g., ~~the~~) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

July 12, 1995

Subpart. Section 6.5.A. PROPERTY DEVELOPMENT REGULATIONS, Property development regulation schedule is amended as follows:

TABLE 6.5-1
PROPERTY DEVELOPMENT REGULATIONS SCHEDULE

Zoning District	Min Lot Dimensions			Density		Max FAR	Max. Bldg Cover	Min. Bldg Setbacks (ft.)			
	Size	Width	Depth	Min	Max			Front ¹	Side	Street	Rear
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AGR	10 ac.	300	300	-	-	.10	10%	100	50	80	100
AP	10 ac.	300	300	-	-	.10	10%	100	50	80	100
SA	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RSER	10 ac.	300	800	-	-	.35	20%	25	50	25	50
AR	10 ac.	300	300	-	-	.15	10%	100	50	80	100
CRS	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RE	2.5 ac.	180	200	0.0	0.4		20%	50	40	50	50
RT	20,000	100	125	1.0	1.5		25%	25	15	25	25
RTS	14,000	100	125	1.0	2.0		25%	25	15	25	25
RTU	8,000	85	90	3.0	4.0		35%	25	10.5	10.5	20
RS	6,000	65	75	5.0 3.0	6.0		40%	25	7.5	15	15
RM	¹ *	65	75	5.0	6.0		35%	25	15	25	12
RH	¹ *	65	75	5.0	6.0		35%	25	15	25	12
CN	1 ac.	100	100	-	-	.35	25%	30	30	30	30
CLO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CC	1 ac.	100	200	-	-	.35	25%	30	30	30	30
CHO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CG	1 ac.	100	200	-	-	.35	25%	50	15	25	20
CRE	3 ac.	200	300	-	-	.50	25%	80	50	80	50
IL	1 ac.	100	200	-	-	.45	45%	40	15	25	20
IG	2 ac.	200	200	-	-	.45	45%	45	20	45	20

Subpart. Section 6.5.C.3., PROPERTY DEVELOPMENT REGULATIONS, Lot dimensions, Lot frontage is amended to add and delete language as follows:

3. Lot frontage. Lot frontage refers to the length of the front lot line. The minimum lot frontage requirement shall be identical to the minimum lot width requirement as specified in Table 6.5-1, except that on curving streets or cul-de-sacs, the required lot frontage for lots contiguous to and between the points of curvature (P.C.) of said streets may be reduced by forty (40) percent, provided that the centerline radius of the contiguous street is one hundred and twenty-five (100~~125~~) feet or less.

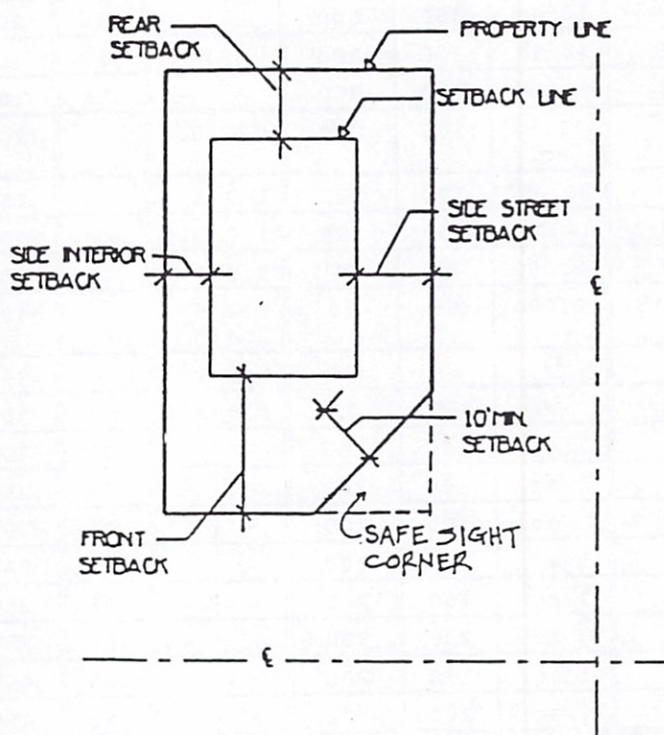
.....

Highlighted language (e.g., ~~the~~) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

1 Subpart. Section 6.5.G., PROPERTY DEVELOPMENT REGULATIONS,
2 Setbacks, is amended to add language and renumber as
3 follows:

- 4 5. Setbacks from a safe sight corner. Setbacks from a
5 safe sight corner for a residential lot shall be a
6 minimum of 10 feet. The setback shall be measured
7 perpendicular from the interior line of the safe
8 sight triangle.

9
10



- 11 5-6. Setbacks abutting passive open space.

- 12
13 6-7. Base building line

14 Subpart. Section 6.6.A.9.c, Supplemental Regulations; Accessory
15 Uses and Structures; Screen Enclosures; Screen enclosures
16 with solid roofs, is amend to add language and renumber
17 subsections as follows:

- 18 (3) Special provisions for Zero Lot Line Developments.
19 A minimum eight (8) foot minimum height wall shall
20 be provided on the zero lot line extending at least
21 to the rear edge of the enclosure. Such wall shall
22 be of masonry or wood. The screen enclosure shall
23 be attached to the fence or wall.

- 24 ~~(3)~~ (4) Special provisions for townhouse developments.

- 25 ~~(4)~~ (5) Height...

- 26 ~~(5)~~ (6) Easement encroachment.

Highlighted language (e.g., the) indicates proposed new language.
Language crossed out (e.g., the) indicates language proposed to be deleted.

1 ~~(6)~~ (7) Screen enclosures with solid roofs within
2 common areas of residential developments.

3 Subpart. Section 6.6.A.10.b.(1).(b), Supplemental Regulations;
4 Accessory Uses and Structures; Screen Enclosures,
5 Setbacks for screen enclosures with screen roofs, Rear
6 and side interior setback reductions is amended to add
7 language as follows:

- 8 1. The entire rear ~~or side interior~~ property line is
9 adjacent to open space (lake, natural preserve or
10 golf course) a minimum of 50 feet in depth;

11 Subpart. Section 6.8.A.20.b., Planned Development District
12 Regulations; General; Phasing controls and platting;
13 Platting sub-phase, is amended to add language as
14 follows:

- 15 b. ~~Platting sub-phase~~ Plat phase requirements. All land
16 within the Planned Development District shall be
17 platted. Planned developments shall indicate
18 platting ~~sub-phases~~ identifying the phasing
19 schedule in chronological order of development.
20 Planned Development Districts with sector planning
21 areas shall give preference to land uses shown in
22 the Land Use Justification Report as having the
23 greatest land use imbalance in determining the
24 chronological order of development.

Highlighted language (e.g., ~~the~~) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Subpart. Section 6.8.E., Table 6.8-18, Multiple Use Planned Development District, MUPD Property Development Regulations Table is amended as follows:

Table 6.8 - 18
MUPD PROPERTY DEVELOPMENT REGULATIONS

Land Use Atlas Designation	Min. District Dimensions			Max. FAR	Max. Bldg. Cover.	Min. Bldg. Setbacks (ft.)			
	Size	Width	Depth			Front	Side*	Street	Rear*
Commercial Low	3 ac.	200'	250'	.25 .35	.20 .25	25'	C-15' R-30'	25'	C-20' R-30'
Commercial High	5 ac.	300'	300'	.30 .50	.25 .30	30'	C-15' R-30'	30'	C-20' R-30'
Commercial Low Office	3 ac.	200'	250'	.25 .35	.20 .25	25'	C-15' R-30'	25'	C-20' R-30'
Commercial High Office	5 ac.	300'	300'	.30 .50	.25 .30	30'	C-15' R-30'	30'	C-20' R-30'
Industrial	5 ac.	300'	300'	.40 .45	.30 .45	30'	C-15' R-40'	30'	C-20' R-40'
Commercial Recreation	5 ac.	300'	300'	.40 .50	.30	30'	C-15' R-40'	30'	C-20' R-40'
Rural Residential 10	10 ac. or 20 ac.	300'	300'	.15	.10	50'	C-50' R- 100'	50'	C-50' R-100'

Subpart. Section 6.9.C, VOLUNTARY DENSITY BONUS, Applicability is amended to add language to temporarily suspend acceptance of applications for the Voluntary Density Bonus Program.

- C. Applicability.... Acceptance of applications for the Voluntary Density Bonus Program is suspended until January 2, 1996 or until appropriate changes are made as determined by the Board of County Commissioners. This temporary suspension is to provide time to evaluate the County's Affordable Housing Study and to revise the procedures of the Voluntary Density Bonus Program.

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July 12, 1995

Subpart. Section 7.2.B, Table 7.2-1, Parking and Loading, Minimum Off-Street Parking and Loading Standards, is amended to add language as follows:

TABLE 7.2-1
MINIMUM OFF-STREET PARKING AND LOADING STANDARDS

Use		Loading Sec. 7.2.D
Commercial Uses		
Self-service storage facility; Multi-access	1 space per 200 storage bays plus 1 space per employee and two customer spaces	N/A
Self-service storage facility; Limited access	1 space per 75 storage bays plus 1 space per employee and two customer spaces	N/A

Subpart. Section 7.8.C, Standards, Major Intersection Criteria is amended to delete language as follows:

C. Major intersection criteria. ~~As required by the Comprehensive Plan and as specified elsewhere in this Code, certain specific uses shall be located at major intersections or internal to a planned development district that is located at a major intersection. For the purpose of this section, to be considered a major intersection each roadway at the intersection shall meet at least one (1) of the following standards:~~

.....

Subpart. Section 11.4.C.5.c. Review for Adequate Public Facilities, Procedures for review of Certificate of Concurrency Reservation, Decision of Zoning Director, Conditional Certificate of Concurrency Reservation is amended to add language as follows:

(3) Performance surety required.

(a) In accordance with Section 15.1.(I).E.5, Traffic Impact Studies, a Conditional Certificate of Concurrency Reservation may be granted to ensure compliance with the Traffic Performance Standards. Performance surety to install improvements resulting from the impact of the project may be required to be posted within six months from the date the development order is approved. The performance surety shall be in a form acceptable to the Department of Engineering and Public Works.

(b) A one time six month administrative time extension may be permitted in accordance with Section 5.8.C.2 of this code, provided the following standards are met:

i The project is located on a roadway which did not meet the Traffic Performance Standards prior to a Conditional Concurrency Reservation being issued for the project.

ii The traffic approval was based solely on the posting of surety for roadway improvements.

iii The project approval does not delay any other property owner from developing since no capacity was available for

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the project, therefore, no trips had been reserved for the project.

(c) If an administrative time extension is not requested and granted, or a previously approved time extension expires without surety being posted, the development order shall be subject to the review requirements of subsection 5.8.C.4. and 5.8.C.5. If the Board of County Commissioners revokes the development order, the conditional certificate of concurrency reservation shall immediately expire. The development order shall be revoked if surety is not posted within twelve months of approval of the development order.

Subpart. Section 13.2.B.2, Nonconformities; Nonconforming Uses; Minor Nonconforming Use, is amended to change section number and delete and add language as follows:

SEC.13.2 1.7 Minor Nonconforming Use

.

2. Enlargement or expansion....

The request shall be permitted provided all of the following apply:

- (1) The enlargement or expansion would not exceed ~~thirty (30)~~ ten (10) percent of the floor area of the structure or appraised value of the structures on site, whichever is less;

Subpart. Section 13.4.A.3, Nonconformities; Nonconforming lots; Residential development; Property development regulations, is amended to change section number and add and delete language as follows:

SEC.13.4 1.9 Nonconforming Lots

.

3. Property development regulations. The proposed use is permitted and the single lot meets the minimum property development regulations that are generally applicable in the zoning district in which it is located, except for the minimum lot area and dimensions, minimum yard setback requirements, maximum lot coverage and maximum total floor area. If the single lot, tract or parcel of land does not meet the setback and lot coverage regulations of the current underlying zoning district, ~~it may alternatively conform to all the following minimum yard setback, and maximum lot coverage requirements may be applied, for the specific lot characteristics which are nonconforming,~~ in lieu of the ~~base~~ district property development regulations.

- a. Minimum Yard Setback Requirements¹.
Front 30% of depth.
Side (corner) 20% of width.
Side (interior) 15% of width.
Rear 20% of depth.
- b. Maximum Lot Coverage: 40% of total lot area

¹ For lots one and one half (1½) acres or smaller, that cannot accommodate current setbacks or a percentage setback for a particular yard, may apply a minimum

1
2

twenty-five (25) foot setback. ~~may be substituted for any~~
~~of the percentage setback.~~

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July 12, 1995

1 Subpart. Section 1.11 Creation of Potentially Buildable Residential
2 Single Family Lots, is created and language added as follows:

3 Sec. 1.11 CREATION OF POTENTIALLY BUILDABLE RESIDENTIAL
4 SINGLE FAMILY LOTS.

5 A. Applicability. The following provisions shall apply to
6 the development of any lot which is not depicted on
7 either a plat of record, affidavit of exemption, or
8 affidavit of plat waiver, currently valid and in effect
9 for the subject property.

10 B. Determination Criteria. A residential single family lot,
11 as originally conveyed, may be considered eligible for
12 building permits if determined that the lot complies with
13 the following criteria:

14 1. Legal recordation of lot. The single family lot was
15 conveyed into ownership separate from abutting lands
16 pursuant to a recorded deed, recorded agreement for deed
17 or other recorded instrument of conveyance after February
18 2, 1973 and prior to June 16, 1992 and has not been
19 reconveyed, in whole or in part, into common ownership
20 with an abutting property.

21 2. Density criteria. The lot created by conveyance pursuant
22 to section 1.11.B.1. complied with the density
23 requirements of the Comprehensive Plan in effect at the
24 time the lot was created.

25 The 1972 Land Use Plan (now termed Comprehensive Plan)
26 was effective from December 6, 1972 through August 1,
27 1980. The 1980 Comprehensive Plan was effective from
28 August 1, 1980 to August 31, 1989. The 1989 Comprehensive
29 Plan was effective August 31, 1989 and is still in
30 effect.

31 3. Zoning requirements. The lot complies with all other
32 development standards of the zoning regulations adopted
33 June 16, 1992. A variance shall not be permitted to
34 reduce the lot size to qualify to meet the requirements
35 of this subsection.

36 4. Legal Access. The lot has legal access, established at
37 the time the lot was recorded, in compliance with the
38 following:

39 a. The street classifications found in Chart 8.22-2 (Access
40 and circulation systems); or

41 b. A recorded express easement, a minimum of 20 feet in
42 width, granting the owner, its successors and assigns a
43 perpetual right of useable access across all properties
44 lying between said lot and a street.

45 C. Determination of compliance. Prior to the submittal of a
46 building permit application, the property owner shall
47 submit, on forms established by the Zoning Director, a
48 request for a determination that the lot is in compliance
49 with this subsection. The Zoning Director shall make a
50 determination within 10 days.

51 D. Recordation of a potentially buildable lot. After
52 issuance of a determination of compliance, but prior to
53 the submittal of a building permit, the property owner

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July 12, 1995

shall record a Potentially Buildable Lot Affidavit, survey, and legal description of the lot with the Clerk of the Court, in a form established by the Zoning Director.

E. Issuance of a permit for a potentially buildable lot. If a Buildable Lot Affidavit is recorded in accordance with the standards and procedures herein and the lot and proposed residence comply with zoning requirements, drainage requirements, environmental control rules and all other permitting requirements, a building permit may be issued.

PART 2. Section of Article 4 and Article 14 (Code Enforcement Provisions) are amended as follows:

Subpart 1. SEC. 4.14, CODE ENFORCEMENT BOARD is amended to add and delete language as follows:

.....

B. Powers and duties. The Code Enforcement Board shall have the following powers and duties:

.....

9. To assess costs pursuant to Sec. 14.2.B of this Code.

10. To assess costs pursuant to Sec. 14.2.D of this Code.

11. To serve ex officio as Code Enforcement Special Masters with the power to preside individually over Code Enforcement hearings; to exercise all powers and carry out all duties of the Code Enforcement Board as set forth in this Code.

C. Board membership.

1. Qualifications. Members of the Code Enforcement Board shall be qualified electors of Palm Beach County. No member of the Board of County Commissioners, or a County employee including a Board of County Commission aide shall serve on the Code Enforcement Board. The Code Enforcement Board shall be composed of ~~five (5)~~ **seven (7)** members and two (2) alternates. The membership of the Code Enforcement Board shall, ~~to the maximum extent whenever possible,~~ include an architect, a business person, an engineer, a general contractor, a landscape architect, a subcontractor, a planner, a realtor, and an attorney.

2. Appointment. Members of the Code Enforcement Board shall be appointed on the basis of experience or interest in the subject matter through the sole discretion of by the Board of County Commissioners.

3. Terms of office.

.....

c. The maximum number of boards and commissions that a person appointed by the Board of County Commissioners may serve on at one (1) time shall be three (3), ~~unless otherwise limited by the dual office-holding prohibition set forth in Sec. 5(a), Art. II of the Florida Constitution. Members affected by this provision~~ **Sec. 4.14.C of this Code shall be governed by Palm Beach**

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Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

.....

6. Conflict of Interest.

.....

b. **Implementation.** To implement this policy and strengthen the faith and confidence of the citizens of Palm Beach County, members of the Code Enforcement Board are directed:

- (1) To be governed by the applicable provisions of the Palm Beach County ~~Ethics Ordinance, upon adoption of such ordinance~~ Code of Ethics and the State of Florida Code of Ethics, chapter 112, Part III, Florida Statutes, as may be amended from time to time.

.....

D. Officers; quorum; rules of procedure.

.....

2. ~~Secretary. The Code Enforcement Director of PZB shall serve as Secretary of the Code Enforcement Board. The Secretary shall keep minutes of all proceedings of the Code Enforcement Board, which minutes shall be a summary of all proceedings before the Code Enforcement Board, attested to by the Secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the Code Enforcement Board voting when a quorum is present. The Secretary shall maintain all records of the Code Enforcement Board, meetings, hearings and proceedings, and the correspondence of the Code Enforcement Board. The records of the Code Enforcement Board shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.~~

Staff. The Code Enforcement Division shall provide all administrative and clerical staff for all Special Masters and the Code Enforcement Board as may be reasonably required for the proper performance of their legal duties. A Secretary provided by the Code Enforcement Division shall keep minutes of all proceedings before each Code Enforcement Special Master and before the Code Enforcement Board. The Secretary shall maintain all records of these proceedings which shall be stored with the Code Enforcement Division and shall be available for inspection by the public, upon reasonable request, during normal business hours.

3. ~~Staff. The Code Enforcement Division of PZB shall be the professional staff of the Code Enforcement Board.~~

4.3. County Attorney.

.....

5.4. Quorum and voting.

Highlighted language (e.g., **the**) indicates proposed new language.
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.....

~~6-5. Rules of procedure. All meetings shall be governed by Robert's Rules of Order. The Code Enforcement Board may, by a majority vote of the entire membership, adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Code Enforcement Board and/or Special Master may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.~~

E. Meetings.

1. **General.** General meetings of the Code Enforcement Board shall be held no less frequently than once every two (2) months. Special meetings may be called by the Chairman of the Code Enforcement Board, or in writing by a majority of the members of the Board. Twenty-four (24) hour written notice shall be given to each Code Enforcement Board member for a special meeting. Hearings before a Code Enforcement Special Master shall be convened as needed. In the case of an alleged violation as set forth in Sec. 14.2.A.3 of this Code, a hearing may be called as soon as practical.

.....

3. **Operating procedures.** All cases brought before the Code Enforcement Board and Code Enforcement Special Master shall be presented by the Code Enforcement Director Division of PZB.

.....

Subpart. **ARTICLE 14, ENFORCEMENT PROCEEDINGS AND PENALTIES is amended to add and delete language as follows:**

SEC. 14.1 GENERAL. The provisions of this Code shall be enforced by (1) the Palm Beach County Code Enforcement Board and/or Special Master pursuant to the authority granted by Sec. 162.01 et. seq., Fla. Stat., as may be amended, (2) the Palm Beach County Environmental Control Hearing Board pursuant to the Palm Beach County Environmental Control Act, Chapter 77-616, Special Acts, Laws of Florida, as may be amended, (3) the Palm Beach County Groundwater and Natural Resources Protection Board, an alternate code enforcement board created pursuant to the authority granted by Sec. 162.02(2) et. seq., Fla. Stat., as may be amended, (4) the Board of County Commissioners through its authority to enjoin and restrain any person violating the Code, or (5) Palm Beach County through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by Sec. 125.69, Fla. Stat., as may be amended.

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1 SEC. 14.2 ENFORCEMENT BY CODE ENFORCEMENT BOARD AND/OR
2 SPECIAL MASTER. The Code Enforcement Board and/or
3 Special Master shall have the jurisdiction and
4 authority to hear and decide alleged violations of
5 the codes and ordinances enacted by Palm Beach
6 County including, but not limited to, the following
7 codes: building, electrical, fire, gas, landscape,
8 plumbing, sign, zoning and any other similar type
9 codes which may be passed by Palm Beach County in
10 the future which regulate aesthetics, construction,
11 safety, location or any structure on real property
12 in Palm Beach County. Further, any violation(s) of
13 Articles 1 through 8 and Articles 10 through 12,
14 except Secs. 7.5 and 7.6, of this Code may be
15 prosecuted by the Code Enforcement Board pursuant
16 to the following standards and procedures. For the
17 purposes of this Section 14.2, the term "repeat
18 violation" shall mean a violation of a provision of
19 a code or ordinance by a person whom the Code
20 Enforcement Board or Special Master has previously
21 found to have violated the same provision within
22 five years prior to the violation.

23 A. ~~Procedure, hearings.~~ Alleged violation of any of those
24 codes or ordinances of Palm Beach County as described
25 herein may be filed with the Code Enforcement Division by
26 citizens or those administrative officials who have the
27 responsibility of enforcing the various codes or
28 ordinances in force in Palm Beach County.

29 1. Except as set forth in paragraphs 2. and 3. below, if
30 violation(s) of a code or ordinance is believed to exist,
31 the Code Enforcement Division shall specify a reasonable
32 time to correct the violation(s). Should the violation(s)
33 continue beyond the time specified for correction, the
34 Code Enforcement Division shall give notice to the
35 alleged violator that an Code Enforcement Board hearing
36 will be conducted concerning the alleged violation(s) as
37 noticed. The notice shall state the time and place of the
38 hearing, as well as the violation(s) which are alleged to
39 exist. At the option of the Code Enforcement Board and/or
40 Special Master, notice may additionally be served by
41 publication or posting as set forth in Section 14.2.G. of
42 this Code. If the violation is corrected and then
43 repeated or if the violation is not corrected by the time
44 specified for correction by the code inspector, the case
45 may be brought for hearing even if the violation has been
46 corrected prior to hearing, and the notice of violation
47 shall so state.

48 2. If a repeat violation is found, the code inspector shall
49 notify the violator but is not required to give the
50 violator reasonable time to correct the violation. The
51 code inspector, upon notifying the violator of a repeat
52 violation, shall request a hearing. The Code Enforcement
53 Division shall give notice to the alleged violator as set
54 forth in paragraph 1. above. The case may be brought for
55 hearing even if the repeat violation has been corrected
56 prior to hearing, and the notice shall so state.

57 3. If the code inspector has reason to believe a violation
58 or the condition causing the violation presents a serious
59 threat to the public health, safety, and welfare or if
60 the violation is irreparable or irreversible in nature,
61 the code inspector shall make reasonable effort to notify

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1 the violator and may immediately request a code
2 enforcement hearing.

3 B. Conduct of Hearing.

- 4 1. Upon request of the code inspector, or at such other
5 times as may be necessary, a hearing before the Code
6 Enforcement Board and/or a Code Enforcement Special
7 Master may be convened. Minutes shall be kept of all Code
8 Enforcement hearings, and all hearings shall be open to
9 the public.

10

- 11 3. Proper notice may be assumed where a notice of violation
12 has been mailed to the alleged violator by certified mail
13 and the alleged violator, his or her agent, or other
14 person in the household or business has accepted the
15 notice of violation, or where a Code Enforcement Officer,
16 under oath testifies that he/she did hand deliver the
17 notice to the alleged violator. All testimony shall be
18 under oath and shall be recorded. The formal rules of
19 evidence shall not apply but fundamental due process
20 should shall be observed and shall govern the
21 proceedings. Upon determination of the Chairperson,
22 irrelevant, immaterial or unduly repetitious evidence may
23 be excluded, but all other evidence of a type commonly
24 relied upon by reasonably prudent persons in the conduct
25 of their affairs shall be admissible, whether or not such
26 evidence would be admissible in a trial in the courts of
27 Florida. Any part of the evidence may be received in
28 written form.

- 29 4. Any member of the Code Enforcement Board and/or Special
30 Master, or the attorney representing the Code Enforcement
31 Board and/or Special Master, may inquire of or question
32 any witness before the Enforcement Board, present at the
33 hearing. Any member of the Code Enforcement Board and/or
34 Special Master, an alleged violator (hereinafter also
35 referred to as respondent), his/her attorney, or Code
36 Enforcement Officers shall be permitted to inquire of or
37 question any witness before the Enforcement Board present
38 at the hearing. The Code Enforcement Board and/or Special
39 Master may consider testimony presented by Code
40 Enforcement Officers, the respondent or any other
41 witnesses.

- 42 5. At the conclusion of the hearing, the Code Enforcement
43 Board and/or Special Master shall orally render its
44 decision (order) based on evidence entered into the
45 record. In the case of hearings before the Code
46 Enforcement Board, the decision shall be by motion
47 approved by the affirmative vote of those members present
48 and voting, except that at least four (4) members of the
49 Code Enforcement Board must vote for the action to be
50 official. The Enforcement Board's decision shall then be
51 transmitted to the respondent in the form of a written
52 order including findings of facts, and conclusions of law
53 consistent with the record. The order shall be
54 transmitted by certified mail to the respondent within
55 ten (10) days after the hearing. The order may include a
56 notice that it must be complied with by a specified date
57 and that a fine and costs may be imposed and, under the
58 circumstances set forth in Section 14.2.A.3., the cost of

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1 repairs or other corrective action may be included along
2 with the fine if the order is not complied with by said
3 date. A certified copy of such order may be recorded in
4 the public records of Palm Beach County and shall
5 constitute notice to any subsequent purchasers,
6 successors in interest, or assigns if the violation
7 concerns real property, and the findings therein shall be
8 binding upon the violator and, if the violation concerns
9 real property, any subsequent purchasers, successors in
10 interest, or assigns. If an order is recorded in the
11 public records pursuant to this paragraph and the order
12 is complied with by the date specified in the order, the
13 Code Enforcement Board or Special Master shall issue an
14 order acknowledging compliance that shall be recorded in
15 the public records. A hearing is not required to issue
16 such an order acknowledging compliance.

17 6. If Palm Beach County prevails in prosecuting a case
18 before the Code Enforcement Board and/or Special Master,
19 it shall be entitled to recover all costs incurred.
20 Whether and to what extent such costs are imposed shall
21 be within the discretion of the Code Enforcement Board
22 and/or Special Master but shall not exceed the costs
23 incurred.

24 B.C. Powers. The Code Enforcement Board and/or Special Master
25 shall have the power to:

26

27 6. Assess fines pursuant to Sec. 14.2.CD. (Administrative
28 fines; costs; liens) of this Article.

29 7. Lien property pursuant to Sec. 14.2.CD. (Administrative
30 fines; costs; liens) of this Article.

31 8. Assess costs pursuant to Sec. 14.2.B.6. of this Article.

32 9. Assess costs pursuant to Sec. 14.2.D.1. of this Article.

33 C.D. Administrative fines; costs; liens.

34 1. ~~Whenever one of the Enforcement Board's orders has not~~
35 ~~been complied with by the time set for compliance, or if~~
36 ~~the same violation has been repeated by the same~~
37 ~~violator, the Enforcement Board may order the violator to~~
38 ~~pay a fine not to exceed two hundred fifty dollars~~
39 ~~(\$250.00) for each day thereafter during which each~~
40 ~~violation continues past the date set for compliance, and~~
41 ~~up to five hundred dollars (\$500.00) for each day for a~~
42 ~~repeat violation. In determining the amount of a fine,~~
43 ~~the Enforcement Board shall consider the following~~
44 ~~factors: (a) the gravity of the violation(s); (b) any~~
45 ~~actions taken by the violator to correct the~~
46 ~~violation(s); and (c) any previous violations committed~~
47 ~~by the violator.~~

48 ~~The Enforcement Board may consider any other factors~~
49 ~~pertaining to the violator or violation(s) which it deems~~
50 ~~relevant and shall not be limited to the above recited~~
51 ~~factors.~~

52 The Code Enforcement Board and/or Special Master, upon
53 notification by the code inspector that a Code
54 Enforcement Order has not been complied with by the set

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time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date for compliance set forth in the order, or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in Section 14.2.A.3., the Code Enforcement Board and/or Special Master shall notify the Board of County Commissioners, which may make all reasonable repairs or other corrective actions which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs or other corrective actions along with the fine imposed pursuant to this section. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.

Persons charged with such violation(s) may include:

- a. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
- b. Any person who knowingly commits, takes part or assists in such violation.
- c. Any person who maintains any land, building, or premises in which such violation shall exist.

2. A fine imposed pursuant to this Section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to paragraph 1. of this Section. In determining the amount of fine, if any, the Code Enforcement Board and/or Special Master shall consider the following factors: 1) the gravity of the violation; 2) any actions taken by the violator to correct the violation; and 3) any previous violations committed by the violator.

3. The Code Enforcement Board and/or Special Master may reduce any fine imposed pursuant to this Section. The Code Enforcement Board and/or Special Master may authorize the Code Enforcement Division to propose a Consent Order which sets forth agreed terms for payment of any fine. The Code Enforcement Board and/or Special Master may in its discretion adopt such Consent Order in lieu of execution or foreclosure as set forth in paragraph 4. below.

~~2.4. The Director of the Code Compliance Division or his/her designee may record a~~ A certified copy of an order imposing a fine may be recorded in the public records in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida. Once recorded, the certified copy of an order shall constitute a lien against the land on which the violation(s) exist, ~~or if the violator does not own the land, and~~ upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the Sheriffs of this State, including levy against the personal property, but such order shall not be deemed to be a court judgment

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1 except for enforcement purposes. A fine imposed pursuant
2 to this Section shall continue to accrue until the
3 violator comes into compliance or until judgment is
4 rendered in a suit to foreclose on a lien, filed pursuant
5 to this Section, whichever comes first. Once recorded,
6 the lien shall be superior to any mortgages, liens, or
7 other instruments recorded subsequent to the filing of
8 the lien.

9 **3-5.** After three (3) months from the filing of any such lien
10 which remains unpaid, the County may foreclose the lien
11 in the same manner as mortgage liens are foreclosed. Such
12 ~~lien shall be superior to all other liens except liens~~
13 ~~for taxes, and shall bear interest at the rate of ten~~
14 ~~percent (10%) per annum allowable by law from the date of~~
15 ~~compliance set forth in the recorded order acknowledging~~
16 ~~compliance.~~ No lien created pursuant to the provisions of
17 this ordinance may be foreclosed on real property which
18 is a homestead under Article X, Section 4, of the Florida
19 Constitution.

20 **D-E.** Other legal remedies.

21

22 **E-F.** Other administrative remedies.

23

24 **F-G.** Appeal. Any aggrieved party may appeal an order of the
25 Code Enforcement Board and/or Special Master, including
26 Palm Beach County, to the Circuit Court of Palm Beach
27 County, Florida. Such appeal shall not be a hearing de
28 novo, but shall be a petition for Writ of Certiorari and
29 the Court shall be limited to appellate review of the
30 record created before the Enforcement Board. Any appeal
31 filed pursuant to this Article shall be considered timely
32 if it was filed within thirty (30) days after the hearing
33 at which the order was announced. The County may assess
34 a reasonable charge for the preparation of the record to
35 be paid by the petitioner in accordance with ~~ss~~ Section
36 119.07, Florida Statutes.

37 **G-H.** Notices. All notices required by this ordinance shall be
38 by certified mail, return receipt requested, or when mail
39 is not effective, by hand delivery by a Code Enforcement
40 Officer. Notice may also be provided by publication or
41 posting, consistent with the provisions of Chapter 162,
42 Florida Statutes, as may be amended from time to time.
43 This section shall not apply to notice of special
44 meetings as described in Article 4 of this Code. Notice
45 placed shall contain at a minimum, the date and time of
46 the scheduled meeting of the Enforcement Board during
47 which time the alleged violator is required to appear;
48 the name and address of the alleged violator; the address
49 or legal description of the property wherein the alleged
50 violation(s) has occurred; and those codes or provisions
51 of a code for which the alleged violator has been cited.

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PART. 3

Subpart. Article 13 Nonconformities is relocated in its entirety to new section 1.6 through 1.10 and Section 1.11 Creation of Potentially Buildable Residential Single Family Lots is created and language added as previously set forth:

~~SEC. 13.1~~ 1.6 GENERAL...

~~SEC. 13.2~~ 1.7 NONCONFORMING USES...

~~Table 13.2-1~~ 1.7-1 Schedule of Nonconforming Uses...

~~SEC. 13.3~~ 1.8 NONCONFORMING STRUCTURES...

~~SEC. 13.4~~ 1.9 NONCONFORMING LOTS...

~~SEC. 13.5~~ 1.10 NONCONFORMITIES CREATED BY EMINENT DOMAIN PROCEEDINGS...

~~SEC. 1.11~~ CREATION OF POTENTIALLY BUILDABLE RESIDENTIAL SINGLE FAMILY LOTS...

Subpart. Section 7.9; Traffic Performance Standards is relocated in its entirety to new Article 15 and all reference to Section 7.9 shall be amended to read Section 15.

ARTICLE 15
TRAFFIC PERFORMANCE STANDARDS

~~SECTION 7.9~~ 15.1 TRAFFIC PERFORMANCE STANDARDS

Subpart. Section 7.10; On-Site Sewage Disposal Systems - (Environmental Control Rule I) is relocated in its entirety to new Article 16, entitled Health Department Regulations; Section 16.1 Environmental Control Rule I - On-Site Sewage Disposal Systems and all reference to Section 7.10 shall be amended to read Section 16.1

ARTICLE 16
HEALTH DEPARTMENT REGULATIONS

~~SEC. 16.1~~ 7.10 ENVIRONMENTAL CONTROL RULE I - On-Site Sewage Disposal Systems

Subpart. Section 7.11, Water Supply Systems - Environmental control Rule II is relocated in its entirety to new Article 16, entitled Health Department Regulations, Section 7.11 Environmental Control Rule II-Water supply Systems; and all reference to Section 7.11 shall be amended to read Section 16.2

~~Sec. 16.2~~ 7.11 Environmental Control Rule II - Water Supply Systems

Subpart. Section 7.4, Prohibition of Dumping, Regulations of Waste Disposal and Clean Fill Activity is relocated in its entirety and to new Article 16, entitled Health Department Regulations; all reference to Section 7.4 shall be amended to read Section 16.3

~~Sec. 16.3~~ 7.4 Prohibition of Dumping, Regulations of Waste Disposal and Clean Fill Activity

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July 12, 1995

1 Subpart. Section 7.12, Park and Recreation Standards is relocated
2 in its entirety, to new Article 17 entitled Park and
3 Recreation Standards; all reference to Section 7.12 shall
4 be amended to read Section 17.1:

5 **ARTICLE 17**
6 **PARK AND RECREATION STANDARDS**

7 **SEC. ~~7.12~~ 17.1 PARK AND RECREATION STANDARDS.**

8 **PART 4. CAPTIONS:**

9 The captions, sections headings, and section designations used
10 in this ordinance are intended for the convenience of users
11 only and shall have no effect in the interpretation of the
12 provisions of this ordinance.

13 **PART 5. REPEAL OF LAWS IN CONFLICT:**

14 All local laws and ordinances applying to the unincorporated
15 area of Palm Beach County in conflict with any provision of
16 this ordinance are hereby repealed to the extent of any such
17 conflict.

18 **PART 6. SEVERABILITY:**

19 If any section, paragraph, sentence, clause, phrase, or word
20 of this ordinance is for any reason held by the Court to be
21 unconstitutional, inoperative or void, such holding shall not
22 affect the remainder of this ordinance.

23 **PART 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

24 The provision of this ordinance shall become and be made a
25 part of the code of laws and ordinances of Palm Beach County,
26 Florida. The Sections of the ordinance may be renumbered or
27 relettered to accomplish such, and the word "ordinance" may be
28 changed to "section," "article," or any other appropriate
29 word.

30 **PART 8. EFFECTIVE DATE:**

31 The provisions of this ordinance shall become effective upon
32 receipt of acknowledgement by the Secretary of State.

33 **APPROVED AND ADOPTED** by the Board of County Commissioners of
34 Palm

35 Beach County, on the 11th day of July
36 1995.

37 PALM BEACH COUNTY, FLORIDA,

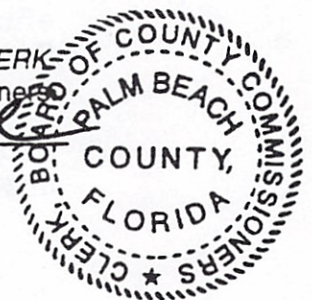
38 BY ITS BOARD OF COUNTY COMMISSIONERS

39 By [Signature]
40 Chairman

41 APPROVED AS TO FORM AND
42 LEGAL SUFFICIENCY

43 [Signature]
44 COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
Board of County Commissioners
By [Signature]
DEPUTY CLERK



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July 12, 1995

EFFECTIVE DATE

Acknowledgement by this Department of State of the State of
Florida, on this, the 20th day of July, 1995.

Acknowledgment from the Department of State received on the
24th day of July, 1995, at 4:06 P.M. and
filed in the Office of the Clerk of the Board of County
Commissioners of Palm Beach County, Florida.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office

On: 7/11/95

DATED at West Palm Beach, FL on 7/28/95.

DOROTHY H. WILKEN, Clerk

By: Thyllis A. House D.C.

ORDINANCE
ENCLOSED

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July 12, 1995

County Library
Serials Dept.

**ORDINANCE
ENCLOSED**

